

41-3-408. Resale of buyback or nonconforming vehicles -- Disclosure statements.

(1) (a) A motor vehicle may not be offered, auctioned, sold, leased, transferred, or exchanged by a manufacturer or dealer with the knowledge that it is a buyback vehicle or a nonconforming vehicle without prior written disclosure in a clear and conspicuous manner, in accordance with this section.

(b) This section also applies to buyback vehicles or nonconforming vehicles originally returned to a manufacturer or its agent in another state and subsequently resold, leased, or offered or displayed for resale or lease in this state.

(c) An owner of a motor vehicle who is not a manufacturer or dealer, but who has been given information as required by Subsection (1)(a) or (b) shall give the information, in writing, to any prospective purchaser of the vehicle.

(2) (a) The following disclosure language shall be contained in each contract for the sale or lease of a buyback vehicle or a nonconforming vehicle to a consumer or shall be contained in a form affixed to a contract, lease, bill of sale, or any other document that transfers title:

"DISCLOSURE STATEMENT

Vehicle Identification Number (VIN):

Year:

Make:

Model:

Prior Title Number:

State of Title:

Odometer Reading:

This is a used motor vehicle. It was previously returned to the manufacturer or its agent in exchange for a replacement motor vehicle or a refund because it was alleged or found to have the following nonconformities:

- 1.
- 2.
- 3.
- 4.
- 5.

THIS DISCLOSURE MUST BE GIVEN BY THE SELLER TO THE BUYER EVERY TIME THIS VEHICLE IS RESOLD

(Buyer's Signature)

Date"

(b) The text of the disclosure shall be printed in 12 point boldface type except the heading, which shall be in 16 point extra boldface type.

(c) The entire notice shall be boxed.

(d) Each nonconformity shall be listed separately on a numbered line.

(e) A seller must obtain the consumer's acknowledgment of this written disclosure prior to completing a sale, lease, or other transfer of title as evidenced by the consumer's signature within the box containing the disclosure.

(f) Within 30 days after the sale, lease, or other transfer of title of a nonconforming vehicle, the seller shall deliver to the Motor Vehicle Division a copy of the signed written disclosure required for the sale, lease, or other transfer of title of the nonconforming vehicle. The Motor Vehicle Division shall include the disclosure in the nonconforming vehicle's records.

(3) (a) There shall be affixed to the lower corner of the windshield furthest

removed from the driver's side of a nonconforming vehicle, a disclosure statement form which shall be readily visible from the exterior of the vehicle. The form shall be in the following configuration and shall state:

"DISCLOSURE STATEMENT

Vehicle Identification Number (VIN): _____

Year: _____ Make: _____ Model: _____

Prior Title Number: _____ State of Title: _____

Odometer Reading: _____

Warning: This motor vehicle was previously sold as new. It was subsequently alleged or found to have the following defect(s), malfunction(s), or conditions:

- 1.
- 2.
- 3.
- 4.
- 5.

**THIS DISCLOSURE MUST BE GIVEN BY THE SELLER TO THE BUYER EVERY
TIME THIS VEHICLE IS RESOLD"**

(b) The disclosure statement shall be at least 4-1/2 inches wide and 5 inches long.

(c) The heading shall be boldface type in capital letters not smaller than 18 point in size and the body copy shall be regular or medium face type not smaller than 12 point in size.

(d) Each nonconformity shall be listed separately on a numbered line.

(e) The motor vehicle and title identification information must be inserted in the spaces provided.

Amended by Chapter 306, 2007 General Session